

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY *AC* D.C.

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THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TENN. MEMPHIS

AMERICOACH TOURS, INC., individually,
and as subrogee of DISCOVER RE,

Plaintiff,

vs.

Case No. 04-2016 B/V (Consolidated) ✓
05-2067 Ma/V

DETROIT DIESEL CORPORATION,
MOTOR COACH INDUSTRIES, INC.,
and ESPAR, INC.

Defendants.

CONSENT ORDER GRANTING PLAINTIFF'S MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT

This cause came to be heard upon the request of the plaintiffs, Americoach Tours, Inc., individually and as subrogee of Discover Re, to amend the complaints filed in cause numbers 04-2016 and 05-2067 pursuant to Rule 15 of the Federal Rule of Civil Procedure. Counsel for the plaintiff consulted with counsel for each defendant at various times between July 8, 2005 and July 28, 2005, and counsel for each opposing party has consented to this plaintiff's amendment of the complaints filed in both cause number 04-2016 and cause number 05-2067. Both defendant Detroit Diesel Corporation and defendant Motor Coach Industries, Inc. filed motions to dismiss following plaintiff's filing of its complaint in cause number 05-2067. Their pending motions to dismiss, which are fully briefed and awaiting ruling, will apply to the allegations of the amended complaint so that new motions to dismiss need not be filed.

Based upon the written consent of each opposing counsel, the motion for the plaintiffs, the supporting memorandum, and the entire record herein, the court find that Americoach's motion is well taken and should be granted.

WHEREFORE, it is ordered that the plaintiffs' Motion for Leave is granted.

This the 15th day of August, 2005.

Diane K. Uescovo
HONORABLE ~~J. DANIEL BREEN~~ Diane K. Uescovo
United States ~~District Judge~~
Magistrate

APPROVED:

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Honorable J. Breen
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